

**City of West Linn**  
**PRE-APPLICATION CONFERENCE**  
**MEETING SUMMARY NOTES**  
**August 19, 2021**

**SUBJECT:** Minor Partition at 4192 Sussex Street

**FILE:** PA-21-15

**ATTENDEES:** Applicant/Property Owner: Michael Nedelisky/ Mary Gefroh Dolores  
Staff: Betty Avila Associate Planner; Amy Pepper, Senior Project Engineer  
Public:

---

*The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.*

**Site Information**

Site Address: 4192 Sussex Street  
Tax Not No.: Tax lot 21E36BA08000  
Site Area: 29,969 square feet  
Zoning: Single Family Residential Detached, R-10  
Neighborhood: Sunset  
Applicable Code: CDC Chapters 11, 28, 32, 48, 75, 85, 92, 99  
Environmental Overlays: HCA and WRA

**Project Details:**

The applicant proposes a minor partition to create two additional lots with access from Sussex Street, resulting in 3 lots.

**Public Questions:**

None

**Summary**

The applicant's property is located at 4192 Sussex Street. The applicant proposes to partition the lot into three lots. All three parcels would require a variance to allow for a lot area reduction in order to meet the R-10 zoning requirements of a 10,000 square foot lot size. A Class I Variance allows for a reduction of up to 5% of the total lot area for a parcel.

This property is located within the R-10 zone. Primary structures must meet the dimensional standards of CDC Chapter 11, and accessory structures such as sheds and detached covered patios must meet the dimensional standards of CDC Chapter 34.

The lot has two environmental overlays due to Cornwall Creek traversing the Northern portion of the property. Cornwall Creek is labeled as an ephemeral stream in the Water Resource Area map. Since the Water Resource is an ephemeral creek, it should have setbacks that are at least 15 feet away from the Water Resource on either side. A WRA permit is required.

The parcel also has a habitat conservation area in the rear that is deemed as a "moderate HCA" towards

the rear of the property. HCAs are regulated under Chapter 28: Willamette and Tualatin River Protection (WRG). A WRG permit is required.

Specific Community Development Code chapters that are relevant to this application are listed on the pages below.

### **Discussion**

A question was asked regarding adding fencing within the Water Resource Area. New fences shall not have any markers or posts in the Water Resource (ephemeral stream in this case). Fences are allowed within the *Water Resource Area* but only within 50 feet of the water resource or behind the top of slope (ravine), whichever is greater. Please see CDC 32.030 Prohibited Uses.

Further discussion addressed the Engineering comments and half street improvements.

Engineering Comments: Please see the attached comments from Engineering. For questions, contact Amy Pepper at [apepper@westlinnoregon.gov](mailto:apepper@westlinnoregon.gov) or 503-722-3434.

Tualatin Valley Fire & Rescue Comments: Please see attached comments from Tualatin Valley Fire and Rescue. For questions, contact Jason Arn at [jason.arn@tvfr.com](mailto:jason.arn@tvfr.com) or 503-259-1500

Note: A service provider permit shall be required from TVF&R at the time of making a formal submittal for the proposed partition.

### **Process**

The minor partition shall respond to the submittal requirements and approval criteria of CDC Chapter 85 and associated/referenced regulation in Chapters 11, 48, and 92. For the Class I Variance, address the requirements of CDC Chapter 75. N/A is not an acceptable response to the approval criteria.

For the WRA permit, address the submittal requirements of CDC Chapter 32 and respond to the criteria of 32.060. A topographic survey prepared by a licensed engineer or surveyor is required with the creek identified as well as the property boundaries and setback from the creek. The "Alternate Review Process" of 32.070 and 32.080 may be applicable. For the WRG permit, address the submittal requirements of CDC Chapter 28.090 (28.120-28.150) and the approval criteria of 28.110.

The deposit fee required for a partition is \$2,800 plus a \$1,500 final plat fee. The Class I Variance fee is \$825. The deposit fee for a WRA permit is \$1,850. The WRG permit for the HCA is \$1,700.

This application does not require a neighborhood meeting per CDC 99.038.

The community development code can be found at <http://www.codepublishing.com/OR/WestLinn/CDC.html>.

The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver. Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided.

Once the submittal is deemed complete, staff will provide notice per CDC Chapter 99. The Planning Manager will issue a decision to approve, approve with conditions or deny the application. Appeals of the Planning Manager's decision are heard by City Council and subsequently by the Land Use Board of Appeals.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

***Typical land use applications can take 6-10 months from beginning to end.***

**DISCLAIMER:** This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes.*** Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. ***A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.***